

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning and Economic Development Department

**AGENDA DATE:** Introduction: February 21, 2012  
Public Hearing: March 20, 2012

**CONTACT PERSON/PHONE:** Esther Guerrero, (915) 541-4720

**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

An ordinance changing the zoning of a portion of Lots 3 through 15, Block 6, Stiles Garden, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7204 ½ - 7228 North Loop Drive. Property Owner: MAR FAM Enterprises, LLC. PZRZ11-00057 (District 3) (THIS IS AN APPEAL CASE)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) Denial Recommendation of C-3 (Commercial)  
Approval Recommendation of C-1 (Commercial)

City Plan Commission (CPC) Denial Recommendation of C-3 (Commercial) (3-1)  
Approval Recommendation of C-1 (Commercial) (3-1)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Mathew S. McElroy  
Deputy Director-Planning and Economic Development

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 3 THROUGH 15, BLOCK 6, STILES GARDEN, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the zoning of *a portion of Lots 3 through 15, Block 6, Stiles Garden, City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **A-2 (APARTMENT) to C-3 (COMMERCIAL)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.**

**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
John F. Cook  
Mayor

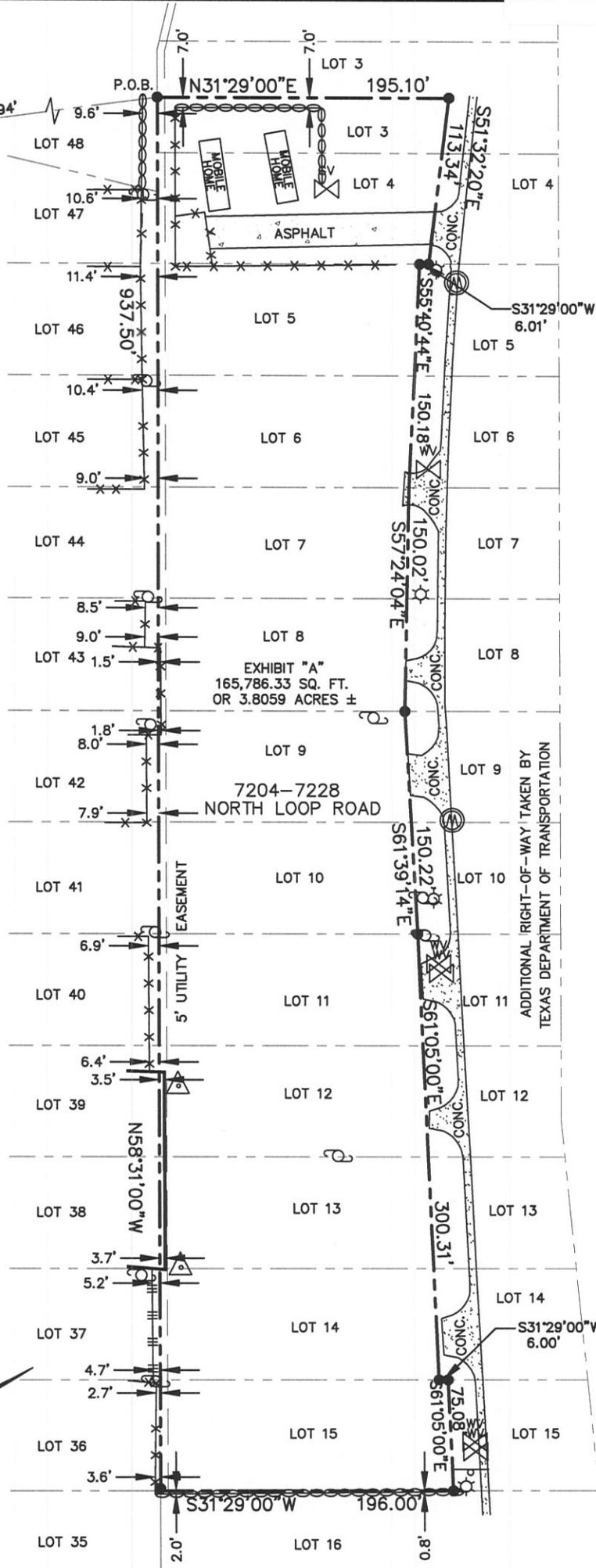
\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

\_\_\_\_\_  
Mathew S. McElroy, Deputy Director  
Planning and Economic Development  
Department



NORTH LOOP ROAD

ADDITIONAL RIGHT-OF-WAY TAKEN BY TEXAS DEPARTMENT OF TRANSPORTATION

LEGEND	
	= CINDER BLOCK WALL
	= CHICKEN WIRE FENCE
	= CHAIN LINK FENCE
	= ROCKWALL (TYPICAL)
	= LIGHT POLE
	= WATER METER
	= POWER POLE
	= MANHOLE
	= ANCHOR
	= SIGN

CAD CONSULTING CO.  
SCALE 1"=100'

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NOTE:  
THIS SURVEY WAS  
DONE WITHOUT THE  
BENEFIT OF A  
TITLE COMMITMENT.

<p><b>CERTIFICATION</b></p> <p>I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.</p> <p>CARLOS M. JIMENEZ R.P.L.S. No. 3950</p>	<p>JOB # 11-2967 DATE: 10-11-11 FIELD: AR OFFICE: SM FILE: NET:\SABINO\2011\11-2967</p>
	<p>LOCATED IN ZONE AH PANEL # 480214-0041-B DATED 10-15-85</p>
<p>RECORDED IN VOLUME 3 PAGE 9, REAL PROPERTY RECORDS, EL PASO COUNTY, TX</p>	<p>7204-7228 NORTH LOOP ROAD (SEE EXHIBIT "A") LOTS 3 THROUGH 15, BLOCK 6 STILES GARDEN CITY OF EL PASO, EL PASO COUNTY, TEXAS</p>
<p>CAD CONSULTING COMPANY 1790 LEE TREVINO DRIVE SUITE 503 EL PASO, TEXAS 79936 (915) 633-6422</p>	

A Portion of Lots 3 through 15, Block 6,  
Stiles Garden,  
City of El Paso, El Paso County, Texas  
October 12, 2011

**METES AND BOUNDS DESCRIPTION**  
7204-7228 North Loop Road  
Exhibit "A"

**FIELD NOTE DESCRIPTION** of a Portion of Lots 3 through 15, Block 6, Stiles Garden, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at a found city monument located on the centerline of Dale Road (60' R.O.W.) opposite of Lot 49, Block 6, **THENCE**, leaving said centerline, North 23°45'49" East, a distance of 307.94 feet to the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, North 31°29'00" East, a distance of 195.10 feet to a point;

**THENCE**, South 51°32'20" East, a distance of 113.34 feet to a point;

**THENCE**, South 31°29'00" West, a distance of 6.01 feet to a point;

**THENCE**, South 55°40'44" East, a distance of 150.18 feet to a point;

**THENCE**, South 57°24'04" East, a distance of 150.02 feet to a point;

**THENCE**, South 61°39'14" East, a distance of 150.22 feet to a point;

**THENCE**, South 61°05'00" East, a distance of 300.31 feet to a point;

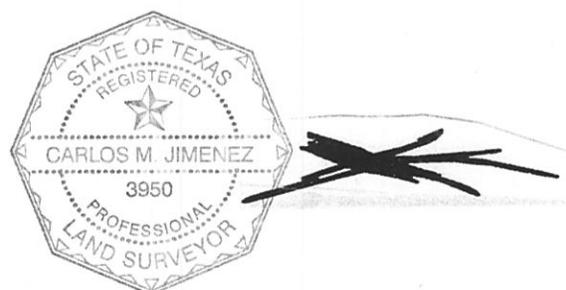
**THENCE**, South 31°29'00" West, a distance of 6.00 feet to a point;

**THENCE**, South 61°05'00" East, a distance of 75.08 feet to a point;

**THENCE**, South 31°29'00" West, a distance of 196.00 feet to a point;

**THENCE**, North 58°31'00" West, a distance of 937.50 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 165,786.33 square feet or 3.8059 acres of land more or less.

Carlos M. Jiménez  
Registered Professional Land Surveyor  
Texas No. 3950





**Date:** February 8, 2012  
**To:** Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**From:** Esther Guerrero, Planner  
**Subject:** **PZRZ11-00057 Rezoning**

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On January 12, 2012, the City Plan Commission (CPC) recommended **denial** of the rezoning request from A-2 (Apartment) to C-3 (Commercial), and instead recommended **approval** of C-1 (Commercial), this recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC voted three (3) votes to one (1) vote, to deny the C-3 (Commercial) request and instead approve C-1 (Commercial), with a condition prohibiting nightclubs or bars. Commissioner De la Cruz, who voted against the C-1 (Commercial) recommendation, requested a minority report (see attached minority report).

The CPC's recommendation for denial of the C-3 (Commercial) zoning was based on incompatible uses allowed in the C-3 (Commercial) district, more particularly the use of a dancehall or automotive uses such as sales, repair and storage of vehicles. Also, there are existing single-family homes and apartments abutting the subject property to the north and south.

The representative on behalf of the applicant filed an appeal with the City Clerk's Office on the denial of C-3 (Commercial) recommendation by the City Plan Commission.

The CPC found that the rezoning to C-3 (Commercial) is not in conformance with The Plan for El Paso. The CPC found that the proposed use is not in conformance with the 2025 Projected General Land Use Map for the Mission Valley Planning Area. The CPC also determined that the rezoning to C-3 (Commercial) will not protect the best interest, health, safety, and welfare of the public in general; and will have an adverse effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were four (4) individuals present at the meeting to speak in opposition to this request, including a petition with 19 signatures in opposition. Six (6) of the 19 signatures were property owners within 200 feet of the subject property.

**Attachment:** Appeal  
Minority Report  
Petition  
CPC Staff Report

Mayor  
John F. Cook

City Council

District 1  
Ann Morgan Lilly

District 2  
Susie Byrd

District 3  
Emma Acosta

District 4  
Carl L. Robinson

District 5  
Dr. Michiel R. Noe

District 6  
Eddie Holguin Jr.

District 7  
Steve Ortega

District 8  
Cortney Carlisle Niland

City Manager  
Joyce A. Wilson



## **Minority Report request by Commissioner Luis De la Cruz**

### Considerations

Request: Rezoning request from R-F (Ranch & Farm) to C-3 (Commercial) to allow apartments, commercial retail and a dancehall.  
Case No.: PZRZ11-00057  
Location: 7204 ½ - 7228 North Loop

**History:** On January 12, 2012, the City Plan Commission (CPC) recommended denial of the rezoning request from R-F (Ranch & Farm) to C-3 (Commercial), and instead recommended approval of C-1 (Commercial), this recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC voted three (3) votes to one (1) vote, to recommend approval of C-1 (Commercial) with a condition prohibiting nightclubs or bars.

The CPC's recommendation for denial of the C-3 (Commercial) zoning was based on incompatible uses allowed in the C-3 (Commercial) district, more particularly the use of a dancehall or automotive uses such as sales, repair and storage of vehicles. Also, there are existing single-family homes and apartments abutting the subject property to the north and south.

**Current Minority Opinion:** Three CPC members voted denial of the C-3 (Commercial) district and approval of the C-1 (Commercial) district, with one member voting for denial of the C-1 (Commercial) district.

Commissioner De la Cruz felt that a C-3 (Commercial) would be compatible in this area, in particular with the abutting C-3 (Commercial) property to the east and with various commercial zoned properties all along North Loop Drive.

# Petition

To: City Plan Commission (c/o Planning Division 5<sup>th</sup> floor, City Hall, 2 Civic Center Plaza, El Paso, TX 79901-1196

I, Raul Dominguez, President of Stiles Garden Neighborhood Association, and the residents oppose to the re-zoning request of MAR FAM Enterprises, LTD Case No: PZRZ11-00057 from A-2 (Apartment) to C-3 (Commercial) to build apartments, commercial shops, and a dance hall at 7204 1/2 North Loop thru 7228 North Loop, Lots 3 through 15, Block 6, Stiles Garden. We oppose due to safety issues, and having too many dance halls in the area. We don't want to be overrun by dance halls. This area would be suited for community venues.

Signature	Address	Phone Number
1 Encarnacion Reyes	7232 Dale Rd	772-3607
2 Miguel A Reyes	7232 Dale Rd	772-3607
3 Encarnacion Reyes	7232 Dale Rd	772-3607
4 Norma Peña	7219 Dale Rd	2109-6044
5 Manuel Medina	7217 DALE RD.	(915) 255-7382
6 Rosa Chang	7217 1/2 Dale Rd	778-7154
7 Socorro Portillo	7209 Dale Rd	549-19-16
8 Manuel Masera	7212 1/2 Dale Rd.	779-0550
9 Eusebia A. Masera	7212 1/2 Dale Rd.	779-0550
10 Paula M. Masera	400 Sycamore	772-5096
11 Juana Rodriguez	407 Sycamore	973-0014
12 Hermenegilda Zadena	469 Sycamore Way	779-5088
13 Maria Loucelde	705 Sycamore	775 97 97
14 Lucia Dominguez	7225 STILES	329-1908
15 [Signature]	7235 STILES	588-1880
16 [Signature]	7235 Stiles Dr.	588-5047
17 Roberto Aguilar	404 Bucher	779 2058
18 [Signature]	7204 North Loop	(915) 472-8704
19 Elva Villogran	7121 Dale Rd	772-6102
20		



## *City of El Paso – City Plan Commission Staff Report*

**Case No:** PZRZ11-00057  
**Application Type:** Rezoning  
**CPC Hearing Date:** January 12, 2012  
**Staff Planner:** Esther Guerrero, 915-541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)

**Location:** 7204½, 7208, 7210, 7212, 7214, 7216, 7218, 7220, 7222, 7224, 7226, and 7228 North Loop Drive

**Legal Description:** Portion of Lots 3 through 15, Block 6, Stiles Garden, City of El Paso, El Paso County, Texas

**Acreage:** 3.8059 acres  
**Rep District:** 3  
**Zoning:** A-2 (Apartment)  
**Existing Use:** Mobile Homes, vacant  
**Request:** C-3 (Commercial)  
**Proposed Uses:** Apartments, commercial center, dancehall  
**Property Owner:** MAR FAM Enterprises, LTD  
**Representative:** Ray Mancera

### **SURROUNDING ZONING AND LAND USE**

**North:** C-4 (Commercial), R-F (Ranch & Farm), M-1 (Manufacturing) / vacant, single-family  
**South:** C-4 (Commercial), C-1 (Commercial), A-2 (Apartment) / single family, apartments  
**East:** C-3/sc (Commercial/special contract), C-3 (Commercial) / auto shop, apartments  
**West:** A-2 (Apartment) /flower shop

**The Plan for El Paso Designation:** Mixed-Use (Mission Valley Planning Area)

**Nearest Park:** Stiles Park (2,026 feet)

**Nearest School:** Ramona Elementary (2,674 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Stiles Garden Neighborhood Association

### **NEIGHBORHOOD INPUT**

Notices of the January 12, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on December 22, 2011. The Planning Division received one phone call in opposition to allow a dance hall.

### **APPLICATION DESCRIPTION**

The request is to change the zoning from A-2 (Apartment) to C-3 (Commercial) to allow retail/office uses, apartments, and a dance hall. The conceptual site plan shows a two phase development, with Phase I consisting of 3 buildings with office, retail, and dance hall uses; Phase II shows the development of three buildings with 12 apartment units. Access to the subject property is proposed via four driveways from North Loop Drive.

### **PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **denial** of C-3 (Commercial) and instead recommends **approval** of C-1 (Commercial).

C-3 (Commercial) uses are incompatible with surrounding residential uses and districts. The C-1 (Commercial) district will allow the proposed retail, office, and apartments but will not allow the dancehall. The purpose of the C-1 (Commercial) districts is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

### **The Plan for El Paso-City-Wide Land Use Goals**

All applications for rezoning shall demonstrate compliance with the following criteria:

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.
- b. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.
- c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- d. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the City's neighborhoods.

The purpose of the C-3 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the City. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

### **Development Coordinating Committee Review**

The DCC reviewed and discussed the application for rezoning and offered no objections to Planning Staff's recommendation for **denial**.

### **Department of Transportation**

Department of Transportation does not object to the proposed rezoning request. Notes: 1. Sidewalks shall continue across driveways. 2. Access to North Loop shall be coordinated with TXDOT. 3. All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in accordance with the current City of El Paso Design Standards for Construction and shall be ADA/TAS compliant.

### **Engineering – Construction Management Division-Plan Review**

No comments received.

#### **Land Development**

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\* 2. Grading plan and permit shall be required.\* 3. Storm Water Pollution Prevention Plan and/or permit required.\* 4. Drainage plans must be approved by the Engineering and Construction Management Department, Land Development Section.\* 5. Applicant shall coordinate with TXDOT for drainage and access.\* 6. The Subdivision is within Flood Zone "X"- Panel # 480214 0041C, dated February 16, 2006.

\* This requirement will be applied at the time of development.

### **Fire Department**

No comments received.

### **Sun Metro**

Sun Metro does not oppose this request.

### **El Paso Water Utilities**

1. EPWU does not object to this request.

### Water

2. There is an existing 12-inch diameter water main that extends along the eastbound lanes of North Loop Road fronting the northern boundary of the subject property. This water main is available for service.
3. Previous water pressure tests from fire hydrant # 1813 located adjacent to the westbound lanes of North Loop Road north of the subject property have yielded a static pressure of 90 (psi) pounds per square inch, a residual pressure of 70 psi and a discharge of 1353 gallons per minute (gpm).
4. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

### Sanitary Sewer

5. There is an existing 8-inch diameter sanitary sewer main that extends along the eastbound lanes of North Loop Road fronting the northern boundary of the subject property. This sanitary sewer main is available for service.

### General

6. Application for new water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

## **CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the change of zoning application:

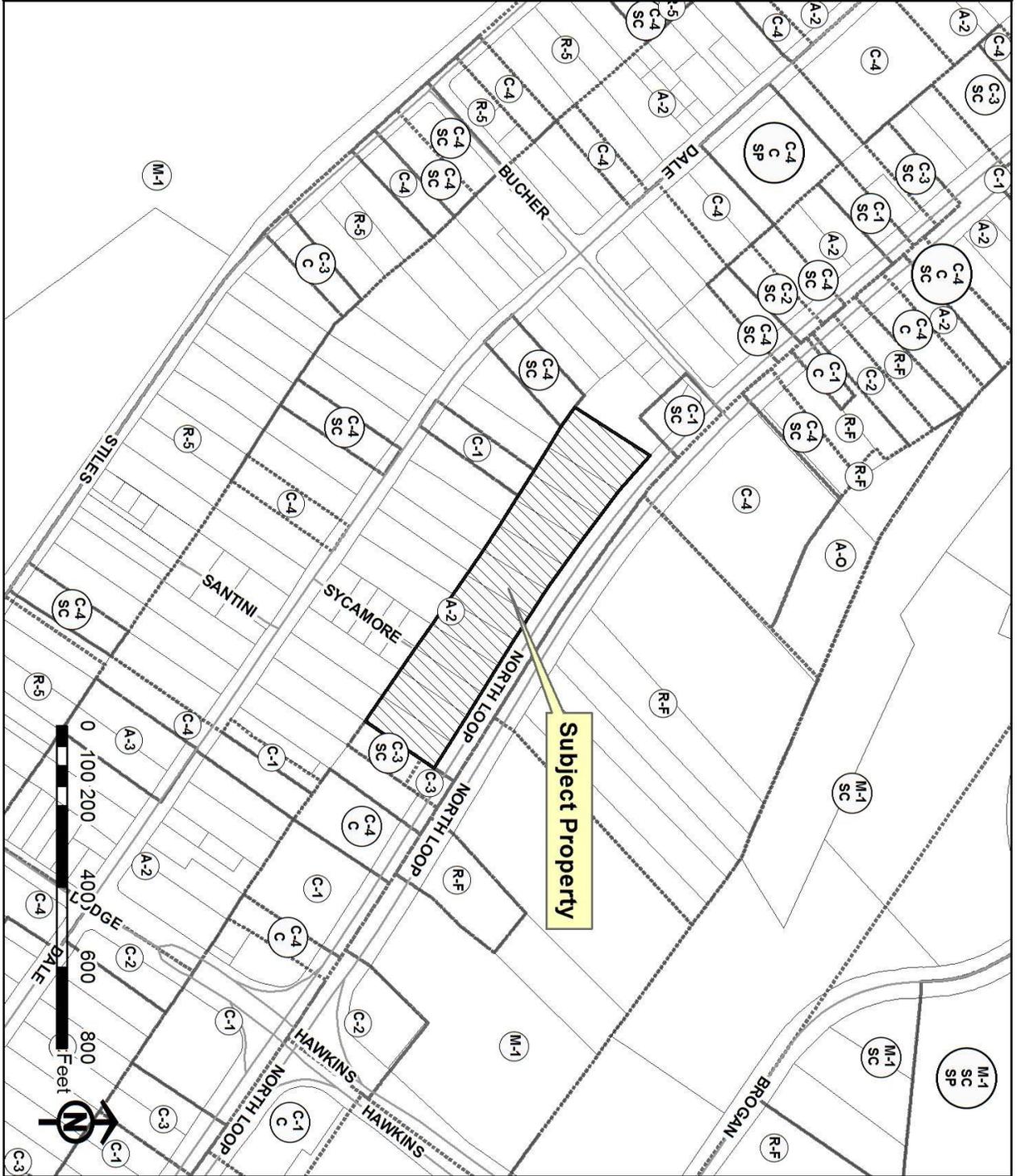
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

### **Attachments**

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan

ATTACHMENT 1: ZONING MAP

PZRZ11-00057



ATTACHMENT 2: AERIAL MAP

PZRZ11-00057



**ATTACHMENT 3: CONCEPTUAL SITE PLAN**

